

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 16-CR-20394

HON. SEAN F. COX

v.

D-6 OLIVER SCHMIDT,

Defendant.

ORDER OF JUDICIAL REMOVAL

Upon the application of the United States of America, by John Neal, Assistant United States Attorney, Eastern District of Michigan; upon the Joint Motion for a Judicial Order of Removal; upon the statement and consent of Defendant Oliver Schmidt and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a citizen of Germany.
3. The defendant was admitted to the United States on 90-day tourist visa at Miami, Florida on or about December 24, 2016.
4. The defendant was convicted in the United States District Court, Eastern District of Michigan of Counts 1 and 2 of the Fourth

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Superseding Information, charging Conspiracy to defraud the United States, to commit wire fraud and to violate the Clean Air Act in violation of Title 18, United States Code, Section 371; and Violation of the Clean Air Act, 42 U.S.C. Section 7413(c)(2)(A).

5. The maximum term of imprisonment for a violation of 18 U.S.C. § 371 is 5 years and the maximum term of imprisonment for a violation of 42 U.S.C. § 7413(c)(2)(A) is 2 years. Given that the defendant has pleaded guilty pursuant to a plea agreement to count 1, a violation of Title 18, United States Code, Section(s) 371, and count 2, a violation of Title 42, United States Code, Section 7413, the maximum sentence faced by this defendant is 7 years' imprisonment.

6. The defendant is subject to removal from the United States pursuant to: Immigration and Nationality Act (INA) Section 237(a)(2)(A)(iii) to wit: INA § 101(a)(43)(M) and (U), as an alien who has been convicted of an aggravated felony.

7. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).

8. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant is ordered removed from the United

completion of his term of incarceration.

Dated: December 18, 2017

s/Sean F. Cox
Sean F. Cox
U. S. District Court Judge

I hereby certify that the foregoing document was served on counsel of record via electronic means.

s/Jennifer McCoy
Case Manager